

109TH CONGRESS  
1ST SESSION

# S. 1494

To amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to establish programs to enhance protection of the Chesapeake Bay, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 26, 2005

Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the National Oceanic and Atmospheric Administration Authorization Act of 1992 to establish programs to enhance protection of the Chesapeake Bay, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “NOAA Chesapeake  
5 Bay Watershed Monitoring, Education, Training, and  
6 Restoration Act”.

1 **SEC. 2. CHESAPEAKE BAY OFFICE PROGRAMS.**

2 Section 307 of the National Oceanic and Atmospheric  
3 Administration Authorization Act of 1992 (15 U.S.C.  
4 1511d) is amended—

5 (1) by redesignating subsections (d) and (e), as  
6 subsections (h) and (i), respectively; and

7 (2) by inserting after subsection (c), the fol-  
8 lowing new subsections:

9 “(d) CHESAPEAKE BAY INTEGRATED OBSERVING  
10 SYSTEM.—

11 “(1) ESTABLISHMENT.—

12 “(A) IN GENERAL.—Not later than 1 year  
13 after the date of enactment of the NOAA  
14 Chesapeake Bay Watershed Monitoring, Edu-  
15 cation, Training, and Restoration Act, the Di-  
16 rector shall collaborate with scientific and aca-  
17 demic institutions, Federal agencies, State and  
18 nongovernmental organizations, and other con-  
19 stituents located in the Chesapeake Bay water-  
20 shed to establish a Chesapeake Bay Integrated  
21 Observing System (in this section referred to as  
22 the ‘System’).

23 “(B) PURPOSE.—The purpose of the Sys-  
24 tem is to provide information needed to restore  
25 the health of the Chesapeake Bay, on such top-  
26 ics as land use, environmental quality of the

1 Bay and its shoreline, coastal erosion, eco-  
2 system health and performance, aquatic living  
3 resources and habitat conditions, and weather,  
4 tides, currents, and circulation.

5 “(C) ELEMENTS OF SYSTEM.—The System  
6 shall coordinate existing monitoring and observ-  
7 ing activities in the Chesapeake Bay watershed,  
8 identify new data collection needs, and deploy  
9 new technologies to provide a complete set of  
10 environmental information for the Chesapeake  
11 Bay, including the following activities:

12 “(i) Collecting and analyzing the sci-  
13 entific information related to the Chesa-  
14 peake Bay that is necessary for the man-  
15 agement of living marine resources and the  
16 marine habitat associated with such re-  
17 sources.

18 “(ii) Managing and interpreting the  
19 information described in clause (i).

20 “(iii) Organizing the information de-  
21 scribed in clause (i) into products that are  
22 useful to policy makers, resource man-  
23 agers, scientists, and the public.

24 “(iv) Developing or supporting the de-  
25 velopment of an Internet-based information

system for integrating, interpreting, and disseminating coastal information, products, and forecasts concerning the Chesapeake Bay watershed related to—

“(I) climate;

“(II) land use;

“(III) coastal pollution and environmental quality;

“(IV) coastal hazards;

“(V) ecosystem health and performance;

“(VI) aquatic living resources and habitat conditions and management;

“(VII) economic and recreational uses; and

“(VIII) weather, tides, currents, and circulation that affect the distribution of sediments, nutrients, organisms, coastline erosion, and related physical and chemical events and processes.

“(D) AGREEMENTS TO PROVIDE DATA, INFORMATION, AND SUPPORT.—The Director may enter into agreements with other entities of the

1 National Oceanic and Atmospheric Administra-  
 2 tion, other Federal, State, or local government  
 3 agencies, academic institutions, or organizations  
 4 described in subsection (e)(2)(A)(i) to provide  
 5 and interpret data and information, and may  
 6 provide appropriate support to such agencies,  
 7 institutions, or organizations to fulfill the pur-  
 8 poses of the System.

9 “(E) AGREEMENTS RELATING TO INFOR-  
 10 MATION PRODUCTS.—The Director may enter  
 11 into grants, contracts, and interagency agree-  
 12 ments with eligible entities for the collection,  
 13 processing, analysis, and interpretation of data  
 14 and information and for electronic publication  
 15 of information products.

16 “(e) CHESAPEAKE BAY WATERSHED EDUCATION  
 17 AND TRAINING PROGRAM.—

18 “(1) ESTABLISHMENT.—

19 “(A) IN GENERAL.—The Director, in co-  
 20 operation with the Chesapeake Executive Coun-  
 21 cil, shall establish a Chesapeake Bay watershed  
 22 education and training program.

23 “(B) PURPOSES.—The program estab-  
 24 lished under subparagraph (A) shall continue  
 25 and expand the Chesapeake Bay watershed edu-

1 cation programs offered by the Chesapeake Bay  
2 Office for the purposes of—

3 “(i) improving the understanding of  
4 elementary and secondary school students  
5 and teachers of the living resources of the  
6 ecosystem of the Chesapeake Bay;

7 “(ii) providing community education  
8 to improve watershed protection; and

9 “(iii) meeting the educational goals of  
10 the Chesapeake 2000 agreement.

11 “(2) GRANT PROGRAM.—

12 “(A) AUTHORIZATION.—The Director is  
13 authorized to award grants to pay the Federal  
14 share of the cost of a project described in sub-  
15 paragraph (C) to—

16 “(i) a nongovernmental organization  
17 in the Chesapeake Bay watershed that is  
18 described in section 501(c) of the Internal  
19 Revenue Code of 1986 and is exempt from  
20 taxation under section 501(a) of that  
21 Code;

22 “(ii) a consortium of institutions de-  
23 scribed in clause (i);

1 “(iii) an elementary or secondary  
 2 school located within the Chesapeake Bay  
 3 watershed;

4 “(iv) a teacher at a school described  
 5 in clause (iii); or

6 “(v) a department of education of a  
 7 State if any part of such State is within  
 8 the Chesapeake Bay watershed.

9 “(B) CRITERIA.—The Director shall con-  
 10 sider, in awarding grants under this subsection,  
 11 the experience of the applicant in providing en-  
 12 vironmental education and training projects re-  
 13 garding the Chesapeake Bay watershed to a  
 14 range of participants and in a range of settings.

15 “(C) FUNCTIONS AND ACTIVITIES.—  
 16 Grants awarded under this subsection may be  
 17 used to support education and training projects  
 18 that—

19 “(i) provide classroom education, in-  
 20 cluding the use of distance learning tech-  
 21 nologies, on the issues, science, and prob-  
 22 lems of the living resources of the Chesa-  
 23 peake Bay watershed;

24 “(ii) provide meaningful outdoor expe-  
 25 rience on the Chesapeake Bay, or on a

stream or in a local watershed of the Chesapeake Bay, in the design and implementation of field studies, monitoring and assessments, or restoration techniques for living resources;

“(iii) provide professional development for teachers related to the science of the Chesapeake Bay watershed and the dissemination of pertinent education materials oriented to varying grade levels;

“(iv) demonstrate or disseminate environmental educational tools and materials related to the Chesapeake Bay watershed;

“(v) demonstrate field methods, practices, and techniques including assessment of environmental and ecological conditions and analysis of environmental problems; and

“(vi) develop or disseminate projects designed to—

“(I) enhance understanding and assessment of a specific environmental problem in the Chesapeake Bay watershed or of a goal of the Chesapeake Bay Program;



1 “(II) protect or restore living re-  
 2 sources of the Chesapeake Bay water-  
 3 shed; or

4 “(III) educate local land use offi-  
 5 cials and decision makers on the rela-  
 6 tionship of land use to natural re-  
 7 source and watershed protection.

8 “(D) FEDERAL SHARE.—The Federal  
 9 share of the cost of a project funded with a  
 10 grant awarded under this subsection shall not  
 11 exceed 75 percent of the total cost of that  
 12 project.

13 “(f) STOCK ENHANCEMENT AND HABITAT RESTORA-  
 14 TION PROGRAM.—

15 “(1) ESTABLISHMENT.—

16 “(A) IN GENERAL.—Not later than 1 year  
 17 after the date of enactment of the NOAA  
 18 Chesapeake Bay Watershed Monitoring, Edu-  
 19 cation, Training, and Restoration Act, the Di-  
 20 rector, in cooperation with the Chesapeake Ex-  
 21 ecutive Council, shall establish a Chesapeake  
 22 Bay watershed stock enhancement and habitat  
 23 restoration program.

24 “(B) PURPOSE.—The purpose of the pro-  
 25 gram established in subparagraph (A) is to sup-

1 port the restoration of oysters and submerged  
2 aquatic vegetation in the Chesapeake Bay.

3 “(2) ACTIVITIES.—To carry out the purpose of  
4 the program established under paragraph (1)(A), the  
5 Director is authorized to enter into grants, con-  
6 tracts, and cooperative agreements with an eligible  
7 entity to support—

8 “(A) the establishment of oyster hatch-  
9 eries;

10 “(B) the establishment of submerged  
11 aquatic vegetation propagation programs; and

12 “(C) other activities that the Director de-  
13 termines are appropriate to carry out the pur-  
14 poses of such program.

15 “(g) CHESAPEAKE BAY AQUACULTURE EDU-  
16 CATION.—The Director is authorized to make grants and  
17 enter into contracts with an institution of higher edu-  
18 cation, including a community college, for the purpose  
19 of—

20 “(1) supporting education in Chesapeake Bay  
21 aquaculture sciences and technologies; and

22 “(2) developing aquaculture processes and tech-  
23 nologies to improve production, efficiency, and sus-  
24 tainability of disease-free oyster spat and submerged  
25 aquatic vegetation.”.

1 **SEC. 3. REPORT.**

2 Section 307(b)(7) of the National Oceanic and At-  
 3 mospheric Administration Authorization Act of 1992 (15  
 4 U.S.C. 1511d(b)(7)), is amended to read as follows:

5 “(7) submit a biennial report to the Congress  
 6 and the Secretary of Commerce with respect to the  
 7 activities of the Office, including—

8 “(A) a description of the progress made in  
 9 protecting and restoring the living resources  
 10 and habitat of the Chesapeake Bay;

11 “(B) a description of each grant awarded  
 12 under this section since the submission of the  
 13 most recent biennial report, including the  
 14 amount of such grant and the activities funded  
 15 with such grant; and

16 “(C) an action plan consisting of—

17 “(i) a list of recommended research,  
 18 monitoring, and data collection activities  
 19 necessary to continue implementation of  
 20 the strategy described in paragraph (2);  
 21 and

22 “(ii) proposals for—

23 “(I) continuing any new National  
 24 Oceanic and Atmospheric Administra-  
 25 tion activities in the Chesapeake Bay;  
 26 and

1 “(II) integration of those activi-  
 2 ties with the activities of the partners  
 3 in the Chesapeake Bay Program to  
 4 meet the commitments of the Ches-  
 5 peake 2000 agreement and subse-  
 6 quent agreements.”.

7 **SEC. 4. DEFINITIONS.**

8 Subsection (h) of section 307 of the National Oceanic  
 9 and Atmospheric Administration Authorization Act of  
 10 1992 (15 U.S.C. 1511d), as redesignated by section 2(1),  
 11 is amended to read as follows:

12 “(h) DEFINITIONS.—In this section:

13 “(1) CHESAPEAKE EXECUTIVE COUNCIL.—The  
 14 term ‘Chesapeake Executive Council’ means the rep-  
 15 resentatives from the Commonwealth of Virginia, the  
 16 State of Maryland, the Commonwealth of Pennsyl-  
 17 vania, the Environmental Protection Agency, the  
 18 District of Columbia, and the Chesapeake Bay Com-  
 19 mission, who are signatories to the Chesapeake Bay  
 20 Agreement, and any future signatories to that  
 21 Agreement.

22 “(2) CHESAPEAKE 2000 AGREEMENT.—The  
 23 term ‘Chesapeake 2000 agreement’ means the agree-  
 24 ment between the United States, Maryland, Pennsyl-  
 25 vania, Virginia, the District of Columbia, and the

1 Chesapeake Bay Commission entered into on June  
 2 28, 2000.

3 “(3) ELIGIBLE ENTITY.—Except as provided in  
 4 subsection (c), the term ‘eligible entity’ means—

5 “(A) the government of a State in the  
 6 Chesapeake Bay watershed or the government  
 7 of the District of Columbia;

8 “(B) the government of a political subdivi-  
 9 sion of a State in the Chesapeake Bay water-  
 10 shed, or a political subdivision of the govern-  
 11 ment of the District of Columbia;

12 “(C) an institution of higher education, in-  
 13 cluding a community college;

14 “(D) a nongovernmental organization in  
 15 the Chesapeake Bay watershed that is described  
 16 in section 501(c) of the Internal Revenue Code  
 17 of 1986 and is exempt from taxation under sec-  
 18 tion 501(a) of that Code; or

19 “(E) a private entity that the Director de-  
 20 termines to be appropriate.”.

21 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

22 Subsection (i) of section 307 of the National Oceanic  
 23 and Atmospheric Administration Authorization Act of  
 24 1992 (15 U.S.C. 1511d), as redesignated by section 2(1),  
 25 is amended to read as follows:

1 “(i) AUTHORIZATION OF APPROPRIATIONS.—

2 “(1) FY 2002 THROUGH 2005.—There are au-  
3 thorized to be appropriated to the Department of  
4 Commerce for the Chesapeake Bay Office  
5 \$6,000,000 for each of the fiscal years 2002 through  
6 2005.

7 “(2) FY 2006 THROUGH 2010.—There are au-  
8 thorized to be appropriated to the Department of  
9 Commerce for the Chesapeake Bay Office  
10 \$26,000,000 for each of the fiscal years 2006  
11 through 2010. Of the amount appropriated pursuant  
12 to such authorization of appropriations—

13 “(A) for each of the fiscal years 2006  
14 through 2010, \$1,000,000 is authorized to be  
15 made available to carry out the provisions of  
16 subsection (d);

17 “(B) for each of the fiscal years 2006  
18 through 2010, \$6,000,000 is authorized to be  
19 made available to carry out the provisions of  
20 subsection (e);

21 “(C) for each of the fiscal years 2006  
22 through 2010, \$10,000,000 is authorized to be  
23 made available to carry out the provisions of  
24 subsection (f);

1                   “(D) for each of the fiscal years 2006  
2                   through 2010, \$1,000,000 to carry out the pro-  
3                   visions of subsection (g).”.

○